

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

EDWARD VILLA,)	Case No. 07-CV-0032-JAH (JMA)
)	
Petitioner,)	ORDER REQUIRING RESPONSE TO
)	PETITIONER'S MOTION REQUEST TO
v.)	STAY FEDERAL PROCEEDINGS
)	
M.S. EVANS, Warden)	
)	
Respondent.)	
)	
_____)	

On January 3, 2007, Petitioner filed a Petition for Writ of Habeas Corpus. [Doc. No. 1.] On April 16, 2007, Petitioner filed a Motion Request to Stay Federal Proceedings. [Doc. No. 8.] The motion requests that the Court stay these proceedings while Petitioner exhausts state remedies as to unexhausted "Claim #5."

Accordingly, **IT IS HEREBY ORDERED** that Respondent shall file a response to Petitioner's motion for stay on or before **June 1, 2007** (this response will serve to fulfill the obligation to respond set forth in the Court's March 8, 2007 Order [Doc. No. 6])). Petitioner shall file a reply on or before **July 6, 2007**. In his reply, Petitioner shall address whether his request for a

1 stay meets the requirements set forth in Rhines v. Weber, 544
2 U.S. 269 (2005).¹

3 **IT IS SO ORDERED.**

4 DATED: April 26, 2007

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6 Jan M. Adler
7 U.S. Magistrate Judge
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18 ¹In his motion, Petitioner states that his legal papers are lost
19 and makes two inquiries. In response to the first inquiry, the Court
20 notes that the Petition contains four claims (which appear as five
21 claims because the substance of Ground Three is repeated in Ground
22 Four), as follows: Ground One - "Petitioner was denied due process in
23 violation of the 14th Amendment by being convicted without sufficient
24 evidence;" Ground Two - "Petitioner was denied due process in
25 violation of the 14th Amendment by being convicted of murder with a
26 weapon based on a theory that didn't contemplate the use of weapon;"
27 Ground Three - "Petitioner was denied due process in violation of the
28 14th Amendment because there was no rational connection between the
fact proved and the fact that was inferred;" Ground Four - "Petitioner
was denied due process in violation of the 14th Amendment because
there was no rational connection between the fact proved and the fact
that was inferred;" Ground [5] - "Petitioner was denied the right to
confront and cross-examine witnesses as well as due process when the
trial court allowed hearsay testimony (violation of the 6th & 14th
Amend.)."

In response to Petitioner's second inquiry about whether his
family can send payment for copies of his petition, the Court directs
Petitioner to the Clerk's Office for the U.S. District Court for the
Southern District of California, 880 Front Street, 4th Floor, San
Diego, CA 92101; (619) 557-5473.